



SEP 21 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Gary J. Connell
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In re Application of	:	
SIM, et al.	:	
U.S. Application No.: 09/744,847	:	
PCT No.: PCT/US99/17309	:	DECISION ON PETITION
Int. Filing Date: 29 July 1999	:	
Priority Date: 29 July 1998	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.: 2618-102-PUS	:	
For: T CELL RECEPTOR PROTEINS, NUCLEIC	:	
ACID MOLECULES, AND USES THEREOF	:	

This decision is in response to applicant's papers filed 05 July 2001 in the United States Patent and Trademark Office (USPTO) which included the petition under 37 CFR 1.47(a) presently considered.

BACKGROUND

On 29 July 1999, applicant filed international application PCT/US99/17309, which claimed priority of an earlier application filed 29 July 1998. A Demand for international preliminary examination, in which the United States was elected, was filed on 29 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 29 January 2001.

On 29 January 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a First Preliminary Amendment. An executed oath or declaration was not included.

On 29 March 2001, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) and a NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES (Form PCT/DO/EO/920) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was further advised of the need to provide payment of the surcharge for providing an executed oath or declaration of the

inventors later than thirty months from the priority date and of the need to provide a computer readable form of the sequence listing for the present application. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 16 April 2001, applicant filed paper and computer readable form of the Sequence Listing.

On 05 July 2001, applicant responded with the present petition to accept the present oath or declaration without the signature of joint inventor Gek-Kee Sim accompanied by a check in the amount of \$130.00 for the petition fee for a petition under 37 CFR 1.47(a) and a check in the amount of \$55.00 as payment of the one-month extension of time fee); a petition for a one-month extension of time, a check in the amount of \$65.00 as payment of the late declaration surcharge and a declaration executed by joint inventor Matthew Dreitz. With the filing of the petition for a one-month extension of time and payment of fee, applicant's petition is considered to be timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(I), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items and it is appropriate to grant the petition under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, the petition is **GRANTED**.

The application will be given an international filing date of 29 July 1999 under 35 U.S.C. 363, and a date of **05 July 2001** under 35 U.S.C. 371 (c).

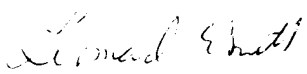
As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at her last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

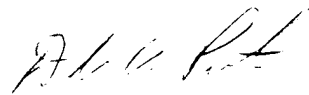
Application No.: 09/744,847

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This application is being returned to the DO/EO/US for processing in accordance with this decision.



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SIM, et al. :
U.S. Application No.: 09/744,847 :
PCT No.: PCT/US99/17309 :
Int. Filing Date: 29 July 1999 :
Priority Date: 29 July 1998 :
Attorney Docket No.: 2618-102-PUS :
For: T CELL RECEPTOR PROTEINS, NUCLEIC :
ACID MOLECULES, AND USES THEREOF :

Dear Dr. Sim::

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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